

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHERYL McGRATH,**

**Petitioner,**

**v.**

**CASE NO. 2:18-CV-5139**

**CRIM. NO. 2:17-CR-125**

**JUDGE EDMUND A. SARGUS, JR.**

**Magistrate Judge Kimberly A. Jolson**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER**

On July 14, 2020, the Magistrate Judge issued a Report and Recommendation recommending that the Motion to Vacate under 28 U.S.C. § 2255 (Doc. 4) be dismissed. (Doc. 56).<sup>1</sup> Although the parties were advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed.

The Report and Recommendation (Doc. 56) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner has waived the right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Therefore, the Court **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

s/Edmund A. Sargus, Jr. 9/16/2020

**EDMUND A. SARGUS, JR.**

**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Notice of the Report and Recommendation was returned as undeliverable, and on August 4, 2020, the Clerk re-sent notice to the Petitioner at her current address.